

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51136 of 2023

Applicant :- Javed @ Bablu

Opposite Party :- State of U.P.

Counsel for Applicant :- Shyam Sunder Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Sri Shyam Sunder Mishra, learned counsel for the applicant, Sri Pankaj Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.217 of 2023, under Section 3/5/8 Cow Slaughter Act, Section 3/25 Arms Act and Section 4/25 Arms Act, Police Station Hathgawan, District Fatehpur, during the pendency of trial.
4. As per prosecution case, one quintal of beef is said to have been recovered from the possession of the applicant on 07.10.2023 along with several implements of slaughtering and a country made pistol of 12 bore.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. Two co-accused persons ran away from the scene of occurrence. There is no forensic report to suggest that the recovered beef belongs to cow progeny. The applicant has nothing to do with the said offence. No offence under Cow Slaughter Act is made out against the applicant. Offence, if any, is made out under the Prevention of Cruelty to Animals Act. Several other submissions have been made on behalf of the applicant to demonstrate the falsity of the allegations made against him. The circumstances which, as per counsel, led to the false implication of the applicant have also been touched upon at length. It is further stated that there is no criminal history of the applicant. The applicant is languishing in jail since 08.10.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Learned A.G.A. has vehemently opposed the bail application.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

8. Let the applicant- Javed @ Bablu, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence.

(ii) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

Order Date :- 30.11.2023

Priya